



ED 127782105 US  
Beverly Sparks  
US UPA No. 09/767,485

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

**Beverly Sparks**

Application No.: **09/767,485**

Filed: **January 22, 2001**

For: **Responsible Sterilization and Transport  
Unit**

Art Unit: 1744

Examiner: Krisanne Jastrzab  
(formerly Thornton)

**STATEMENT OF SUBSTANCE OF THE INTERVIEW**

5 Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

10 Sir:


Applicant adopts the Examiner's Interview Summary, which is attached hereto. The  
substance of the interview summary, as documented by the Examiner, is complete and  
accurate.

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Respectfully submitted,

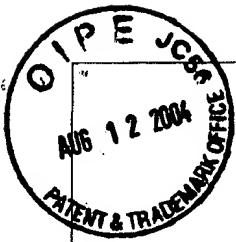
Date: August 12, 2004

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\_\_\_\_\_  
Sam Talpalatsky  
Reg. No. 35,380

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San Diego, CA 92130  
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## Interview Summary

Application No.	Applicant(s)	
09/767,485	SPARKS, BEVERLY	
Examiner	Art Unit	
Krisanne Jastrzab (formerly Thornton)	1744	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Krisanne Jastrzab (formerly Thornton). (3) \_\_\_\_\_  
(2) Sam Talpalatsky. (4) \_\_\_\_\_

Date of Interview: 15 July 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1-46.

Identification of prior art discussed: Goglio and Padgett.

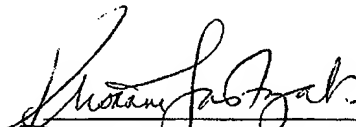
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Talpalatsky contacted the Examiner to discuss the outstanding office action and proposed language for amending the claims. He proposed inserting a limitation that one of the panels serves as an entrance to the encloseable area, into the independent claim. The Examiner indicated that she would not object to such an amendment. He requested clarification of the 112, 2nd paragraph rejections and an understanding of the improper Markush language was achieved. With respect to the rejection regarding the perforation limitations, Mr. Talpalatsky pointed the Examiner to page 6 of the specification which defined the perforations as the same as "scores" and described the function claimed. The Examiner agreed that the 112, 2nd paragraph rejection of the claims with that perforation language would be withdrawn. Mr. Talpalatsky argued that the 102 rejection of Goglio should be withdrawn because the laminate in Goglio was adjacent to, but not "covering one of the panels" as required by claim 1. The Examiner agreed and indicated that the 102 would be withdrawn, but maintained that a 103 may apply after further search and consideration of the amendment. Mr. Talpalatsky argued that the 102 rejection over Padgett should also be withdrawn, because Padgett was a pouch lacking an exhaust vent, however, the Examiner directed Mr. Talpalatsky for figure 7 and column 4 thereof, which described a box structure with a panel having an opening therein covered by a non-woven laminate that was gas permeable, therefor venting, and which was selectively sealed by a removable membrane means. Mr. Talpalatsky argued that the reference still lacked a separate entrance to the enclosure, however, the Examiner maintained that the claim, even with the proposed language, did not require a separate entrance, and even if it did, the structure of Padgett would inherently require such an entrance in order to place the contents to be sterilized within the enclosure. Mr. Talpalatsky disagreed and indicated that he would address this with the submission of an amendment. The Examiner indicated that she would fully consider such an amendment and arguments when filed, but would not make a determination of patentability during the interview..